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ABSTRACT

This paper focuses broadly on the needs and rights of Canadian children. It mentions problems ranging from juvenile suicide to delinquency to the grim cruelty of many institutional environments designed for children. It discusses the linkages between the question of juvenile containment and other social welfare arrangements, such as public education systems and mental health services. The author stresses the importance of parental responsibility, and points out that state interventions can be punitive and even damaging. In discussing remedies, he advocates moderate remedies over extreme steps. He concludes with a list of eight issues in need of examination and change, including the need for coordinated, effective community caring systems. (Author/BP)

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The Canadian Council on Social Development

WHERE ARE WE GOING WITH CHILDREN, PRISON HOUSE OR PARADISE?

by

H. Philip Hepworth

Paper prepared for presentation at the Annual Conference of the British Columbia Association of Social Workers
Theme: The Rights of Children: Advocacy for a Natural Resource
Manning Park, May 12-14, 1977
British Columbia

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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Ode: Intimations of Immortality From Recollections of Early Childhood
(Composed 1803 (?1802)-1806- Published 1807)

Stanza V

Our birth is but a sleep and a forgetting:
The Soul that rises with us, our life's Star,
Hath had elsewhere its setting,
And cometh from afar:
Not in entire forgetfulness,
And not in utter nakedness,
But trailing clouds of glory do we come
From God, who is our home:
Heaven lies about us in our infancy!
Shades of the prison-house begin to close
Upon the growing Boy
But He beholds the light, and whence it flows,
He sees it in his joy;
The Youth, who daily farther from the east
Must travel, still is Nature's Priest,
And by the vision splendid
Is on his way attended;
At length the man perceives it die away,
And fade into the light of common day.

(Composed March 26, 1802 - Published 1807)

My heart leaps up when I behold
A rainbow in the sky:
So was it when my life began;
So is it now I am a man;
So be it when I shall grow old,
or let me die!
The Child is father of the man;
And I could wish my days to be
Bound each to each by natural piety

WHERE ARE WE GOING WITH CHILDREN,
PRISON HOUSE OR PARADISE?

Introduction

The morning I sat down to confront the task which your President and Executive Director had set me, I was somewhat sharply jerked out of the reverie induced by reading about the suicide of a 16 year old B.C. girl in a police cell by repeated whoops of joy outside my door. A young member of our staff had just been told she was about to become the adoptive mother of a baby boy. Conflicting emotions of joy and sadness are part of human life and I believe we should keep our capacity to react spontaneously when something happens which stirs us deeply.

I know as soon as I say this that I can be labelled naive, and that this is an unpolitical or apolitical statement. I would like to juxtapose in what I say today, what I see to be some of the realities concerning children in Canada, and what I see to be some of the essential characteristics of the political process. At this point it may suffice to say that there is no natural congruence between what on a consensual basis may be regarded as priorities concerning children and what within government and the political parties are viewed as political priorities.

It may be added that there appears to be very little explicit ideological commitment by the major political parties to the cause of children, and consequently less chance of children featuring as a permanent item on the agendas of the parties. I think this situation holds true at both federal and provincial levels. The division in jurisdictional responsibilities only exacerbates the problem. An extraordinary situation thus emerges where for example education expenditures may be of more political concern than the children to be educated.

Your Executive Director has asked me within the theme of your meeting, "The Rights of Children: Advocacy for a Natural Resource" to prepare a framework for subsequent workshop discussions based on my work experience in the areas of services to children and families, and also on my knowledge of imminent changes in federal social services and young offenders legislation. Within your workshop sessions I understand that you hope to have a productive discussion of the directions in which social policy might move in order to strengthen families and guarantee the rights of children.

The challenge for you and for myself in this agenda is formidable. I find a real temptation to reminisce on my work experiences, but am less sure that a useful framework will then emerge for your discussions. My career has been fairly evenly divided between the daily delivery of a wide variety of social services and the more academic pursuit of social policy analysis, social administration or social planning, call it what you will.

I hope it will be helpful if I comment on problems which I think you share with other parts of Canada and other countries. I will use some of your workshop topics as my guide.

Juvenile Containment

The suicide of Lori Miles was unfortunately not unique. The newspaper article spoke of her becoming a symbol when she committed suicide, a symbol of officialdom's failure.[1] I do not know how much political significance attaches to this suicide and this suggested failure of officialdom. Political

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1 Malcolm Gray, "Lori symbol of officialdom's failure - Girl's suicide underlines B.C. youth problem," Globe and Mail, April 11th, 1977.

significance may be generated if the interest of politicians and members of the public is aroused and stays aroused, if searching enquiries are carried out not only into this incident but also into how difficult young people in general are treated by public officials, teachers, policemen, social workers and so on.

My suggestion at this point is that major changes in social policy often result from a combination of circumstances and events, among which tragedies, scandals and causes célèbres play their part. I would suggest that you can responsibly take the initiative to present the issues fairly and squarely before the public when tragedies and apparent failures in public and private services occur. This, I believe, is the nature of the political process. It is not of course the nature of the administrative process in which officials have a vested interest in the smooth orderly development and operation of programs, and in which disruptions only cause more work.

The suicide of Lori Miles in B.C. followed the suicide of Norma Dean in a training school in Ontario last year, and doubtless there have been others in similar circumstances in Canada in the last year. Some years ago I visited the Ontario training school in question, a sterile small modern institution with perimeter security and not unlike many prisons. Not surprisingly there have been calls for training schools to be closed down and a few years ago I know that B.C. did just this, at least on paper. I know that the federal government has encouraged provincial governments to transfer training schools from correctional to child welfare auspices, and in so doing these institutions have become eligible for cost-sharing under

the Canada Assistance Plan. By 1975 only Ontario and New Brunswick had not made this transfer, and special fiscal arrangements were then made by the federal government by way of compensation for the loss of cost-shared dollars.

A similar agreement was signed between the Yukon Territory and the federal Ministers of Health and Welfare and Indian and Northern Affairs in April 1977.

The ending of particular social policies is comparatively rare; programs are not discontinued, they are transmogrified and appear under a new guise. My belief is that this is what has happened generally in Canada. We have not had the rapid closing of training schools that occurred in Massachusetts between October 1969 and January 1973,[2] nor have we had the creation of community homes that was intended in the British Children and Young Persons Act of 1969 and which was inspired in large measure by the perceived failure of the approved school system originally created under the Children and Young Persons Act of 1933.

Now in 1977 we hear in Canada, in the United States and the United Kingdom about the need for places of confinement for young people. I would argue that this is nothing new. One of the approved schools I worked in in Britain was established in 1856 and we in the 1960s were still using the same buildings. The 1933 Act merged under one name industrial schools and reformatories, and this merging of rescue and punitive functions has of course also been the case in Canada.

This merging of functions is of dubious validity, on the one hand the non-delinquent are nicely socialized as delinquents, on the other the institutions thus created are viewed in some quarters as insufficiently punitive and too welfare or education oriented.

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2 Robert D. Behn, Closing the Massachusetts Public Training Schools, in Policy Sciences, Volume 7, No.2, June 1976; see also Sheila B. Kamerman and Alfred J. Kahn, Social Services in the United States: Policies and Programs, Temple University Press, Philadelphia, 1976, pp.199-312.

The British Experience of
Containing the Young

Thereis an interesting case-study in a recently published book about the creation of detention centres for young offenders in Britain. A fall in the juvenile delinquency rate in about 1954 led the government to close some approved schools; a few years later the rate rose again and a public outcry for more firm handling of young delinquents arose. Detention centres were established to administer what was called "a short, sharp shock." The duration of sentence was usually three months with two weeks remission for good conduct. Consequently many thousand youths, mainly boys, have had their lives disrupted for periods of ten weeks in part at least as an effort by government authorities to assuage a vocal section of the British public who were and still are calling for tougher measures against young delinquents. There are a number of ironies in this case history: (1) detention centres were in part an attempt to avoid further containment of young offenders in adult prisons, (2) detention centres were a compromise proposal made by government officials in the face of an explicit demand for a reinstitution of corporal punishment in the British penal system, (3) detention centres joined two other systems, approved schools and Borstals for the containment and training of young offenders, (4) no harmonization or progression was made between the three systems, so that approved school after care might still be operating while a youth was in a detention centre, and on release the youth could be recalled to the approved school; similar anomalies existed in respect to probation orders where they could be allowed to continue.

Approved schools, which were operated by local authorities or independent voluntary boards, were under pressure from the central government throughout the late 50s and early 60s to create secure facilities for

the confinement of some unruly youngsters. To their credit some approved schools resisted this pressure. I should add that most approved schools did not have any perimeter security and that physical restraints were either non-existent or nominal. There were of course psychological constraints and in many cases geographical isolation.

Following a particularly gruesome killing of a child by one or two slightly older girls in the late 60s, the question of confining a small number of particularly unruly or difficult children again became a burning issue in Britain. The government decided to create a few very secure facilities, and one youth treatment centre, now providing 33 places for the care, control and long-term treatment of highly disturbed boys and girls became operational in 1971/72. Another centre, twice as large, should be ready this summer.[3]

When I visited the St. Charles Centre in 1972 one of the secure house units was out of commission because of extensive damage by the inmates. Sheets of steel were being inserted in the walls. Yet the centre had been designed with security in mind, and one unit looked for all the world like a miniature bastille with high brick walls round the exercise yard. The centre as a whole though would impress the casual visitor as being surprisingly open with no perimeter security and pleasant surroundings.

The Howard League for Penal Reform, the British Association of Social Workers and the National Association for the Care and Rehabilitation of offenders are all campaigning hard against the efforts of magistrates, the police and some members of the public to repeal the Children and Young Persons Act of 1969 or make it more punitive and in particular to place more

3 Social Work Today, November 9, 1976, p.6.

young people in secure confinement.[4] The Howard League has pointed out the expense and ludicrousness of locking hundreds of young people up.

> Children seldom need elaborate forms of security; these should not be used merely to satisfy public opinion. Secure accommodation can only be temporary and largely short-term. The only alternative is to keep the children in forever and to build hundreds more secure places each year. This has only to be stated to be seen as obviously ridiculous; and yet it is the logical conclusion of much vociferous demand for secure places - which does not place the need for security in the wider context of the interests of the child and society - and of other measures that can be taken to stem the need.[5]

One further quotation may help us in our present concerns.

> Placing young people in secure accommodation is an extreme form of social control and suggests, in most instances, the failure of society, in providing for the needs of the developing young person in a less drastic manner ... demand for specialist facilities is self-perpetuating.[6]

I suspect most of my present audience can think of young people who have suffered the consequences of confinement in secure facilities. I remember a boy of 16 who had been away from home since the age of 10 in the care of first the child welfare authorities, then approved schools and finally of the Youth Wing of Wormwood Scrubs Prison in London. I was supposed to undertake his after-care and facilitate his return to society. Preparation for this return proved too much for him, and shortly before his release date he was found dead in his cell, an apparent suicide.

Recent Developments in Canada

Where do we start in this task of helping children and young people come to terms with a world so apparently benign in its affluence and prosperity, but in reality hostile or at best indifferent? I know that in B.C.

4 (a) House of Commons, Eleventh Report from the Expenditure Committee, H.M.S.O. London, September 1975; (b) Home Office, Welsh Office, Department of Health and Social Security, Department of Education and Science, Children and Young Persons Act 1969, Observations on the Eleventh Report from the Expenditure Committee, H.M.S.O. London Cmnd 6494, 1976.

5 Quoted from "Unruly Children in a Human Context." Barry Rose Ltd., Chichester in Social Work Today, 8, 23 (March 15, 1977).

6 Ibid.

you have done a great deal in recent years. The (Berger) Royal Commission on Family and Children's Law was noteworthy for the humanity of its report, and for the process of consultation with and involvement of members of the public.[7] I know that your efforts have continued through your own association and through SPARC. I think the British example indicates that all of this effort and much more is needed simply to maintain whatever progress has been made in recent years. I think by now we all know that the unthinkable can occur, that the clock can be turned back, if there is enough political pressure to bring this about. It takes a strong politician to withstand pressures from judges, some members of the police, some members of the public, and some political colleagues. Moreover even if these reactionary forces are withstood, a compromise such as the detention centres in Britain may still ensue.

It is important therefore to marshall what evidence we have about the efficiency or lack of success of various types of social provision. We also have to have regard to the fact that politicians or governments may not be concerned with objective evidence but more with short-term solutions which defuse potentially damaging(that is politically damaging) situations!

The call for more secure facilities has come in B.C. as elsewhere after a period in virtually every province when residential facilities have come under close scrutiny. Alberta is rewriting its standards for residential services, and has been placing its administration of institutional services on a more systematic footing.[8] Saskatchewan has been in the news recently because of alleged irregularities in some of its more specialized treatment

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7 B.C. Royal Commission on Family and Children's Law Report. Vancouver, 1974. 13v.

8 See for example the following research study, Province of Alberta, Department of Health and Social Development, Study on the Characteristics of Children Admitted to Alberta Child Welfare Institution 1969-1971, Edmonton, 1974.

facilities.

Manitoba has conducted a review of child welfare policies, programs and services[9] which identifies three major categories of supplementary care, substitute care, and treatment care, and which also notes that there is overlap between these different types of care and that it is often not possible to determine exactly what treatment means.[10] The Manitoba study uses an intellectual yardstick which in my view is too rational and too absolute. It enunicates ten principles or criteria for evaluation: (1) Balance, (2) Coherence, (3) Availability, (4) Equity, (5) Appropriateness, (6) Integration, (7) Family Orientation, (8) Diversity, (9) Effectiveness, (10) Community-Base.

These principles are of course unexceptionable, a model of rationality, but I am not sure that they apply to the real world. I remember a union leader saying at a meeting of approved school staff some years ago that it is sometimes useful to leave a few anomalies in a collective agreement, a few wrinkles that have not been ironed out.

In fact of course the Manitoba study identified a great many anomalies and wrinkles in the child welfare services, and so even a small dose of rationality might go a long way.

We have another highly confused situation in Ontario with at least four provincial ministries providing residential services for children and young people and some fifty Children's Aid Societies in the province. The provincial government has now announced in the recent Speech from the Throne its intention to merge the provisions of the four ministries and establish

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9 Manitoba, A Review of Child Welfare Policies, Programs and Services in Manitoba: A Report to the Minister of Health and Social Development, Winnipeg, Manitoba, July 1975.

10 Ibid., p.183.

a new children's division in the Ministry of Community and Social Services.[11] The provincial premier indicated that this would be one of the provinces main priorities this year .

We should perhaps pause to list some of the reasons why residential services for children have suddenly become a political priority in Ontario.

1. The repeal of Section 8 of the Training Schools Act led to the Children's Aid Societies being expected to care for more "delinquent" and "difficult" children - this is analogous to the effects of the Children and Young Persons Act 1969 in Britain.

2. The linked reduction in the number and size of training schools, which relates to (a) the interest in North America in recent years in "deinstitutionalization" and (b) the interest of governments in cutting expenses.

3. The outcry from Children's Aid Societies in 1976 against a 5.5 per cent increase in approved budgets.

4. Publicity about commercially operated residential facilities centring around poor physical standards, the actual care of children in these facilities, and the considerable injecting of public money into these facilities.

5. The death of Norma Dean in a training school after previous care and treatment in other provincial services.

6. The publication of the Interministry Committee Report on Residential Services. in December 1976; this had originally been submitted to the Provincial Secretary for Social Development in April 1975.[12]

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11 Throne Speech promises spur election talk, Globe and Mail, March 30, 1977; Ontario, Special Services for Children,April 1977, Policy Statements by the Honourable Margaret Birch, Provincial Secretariat for Social Development, The Honourable Keith Norton, Ministry of Community and Social Services, Toronto, 1977.

12 See also H. Philip Hepworth, Personal Social Services in Canada: A Review Vol.4: Residential Services for Children in Care (Ottawa: Canadian Council on Social Development, 1975), which discussed some of the issues in Ontario and elsewhere in Canada.

A similar set of circumstances has occurred in Quebec. Children's services have been under scrutiny for a number of years by the Ministry of Social Affairs because of the very high number of children in care, 44,000 in 1968 and the fact that about a third of these children have been cared for in institutions,[13] and more particularly "a series of major crises" in reception centres for children and adolescents and especially in detention centres.[14]

In early 1975 publicity concerning the alleged maltreatment of children in the Maison Notre Dame de Laval led to the immediate (i.e. the same day,January 3rd,1975) establishment of a committee to study and clarify the situation in the institution and to report back to the minister in three days.[15]

It is perhaps worth quoting from this report one of its broad conclusions:

> One cannot help notice, however, that the children who are the most affected by the problems that we have looked into came from the most economically deprived backgrounds and that these matters point to the entire problem of equitable and fair distribution of resources in society. Without making it a precise recommendation, the Committee must underline the importance of drawing up a charter of the rights of children and the availability of a lawyer to represent each child threatened by judicial intervention, this last being the responsibility of the Commission of Legal Services.[16]

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13 The proportions of children in foster care as opposed to institutional care depends partly on definition; the proportions in Britain are about 50:50, but small group homes would be included as institutions in this equation.

14 Quebec, Ministère des Affaires sociales, Rapport du comité d'étude sur la réadaptation des enfants et adolescents placés en centre d'accueil (December 1975) p.1, author's translation.

15 Final Report of the Commission of Professionals Concerning Le Centre D'Accueil Franc Bard de La Maison Notre-Dame De Laval Inc. Presented January 10, 1975 at the Request of the Honourable Claude E. Forget, Minister of Social Affairs of the Province of Quebec. Preliminary Report presented January 6, 1975. (English translation of French Text.)

16 Ibid., p.15.

The Chairman of this committee of enquiry, Maneul Batshaw, later chaired the Study Committee on the readaptation of children placed in reception centres, which visited 73 centres and requested questionnaires to be filled out on each of the 5,000 children in them.[17] The Study Committee made some 166 recommendations in its final report which extended in their scope beyond the point of immediate concern, the reception centers, to cover virtually all services for children and young people.[18]

This review of current provincial concerns in the child welfare field must finally take account of (1) some recent reviews of the services in New Brunswick and attempts being made to create new legislation,[19] (2) the new legislation in Nova Scotia,[20] (3) the current review of child welfare legislation in Prince Edward Island and (4) recent allegations of abuse and neglect of physically and mentally handicapped children in a government run home in Newfoundland. (Globe and Mail, April 15, 16 and 21, 1977.)

Recent developments in all parts of Canada in the child welfare services especially in respect to the way older more difficult children are provided for reveal a profound malaise both in the child welfare services and in how generally society regard children and their needs. Such a generalization is justified by a reading of events at the local level. The question of juvenile containment is intimately linked with other child welfare arrangements for children in the younger age groups. It is linked with our public education systems. It is linked with our mental health

17 Quebec, Ministère des Affaires sociales, Rapport du comité d'étude sur la réadaptation des enfants et adolescents placés en centre d'accueil (December, 1975).

18 Leduc, Le Rapport Batshaw: Une réforme dans la réforme, Bulletin, Vol.3, No.2 (Mars 1976) Corporation professionnelle des travailleurs sociaux du Québec, pp.3, 4.

19 New Brunswick, Report of the Advisory Committee on Family and Child Services, Fredericton,(December 1973); Lorne McGuigan, Report on A Study of Social Services to Children (Fredericton, September, 1975).

20 Nova Scotia, The Children's Services Act, Chapter 8 of the Acts of 1976; an Act to Revise and Consolidate the Adoption Act, the Child Welfare Act, the Training Schools Act and the Youth Training Centre Act. A major review of special protection services (i.e. services provided to juvenile delinquents) was undertaken in 1973/74; see Annual Report, Department of Social Services 1973/74, pp.12,13.

services. It is linked with Canadian life styles and work habits. It is linked with our legal system.

Some Critical Service Areas

I would like to comment briefly on some of these linkages.

1. The child welfare services

I think it is true to say that until recent years the child welfare services dealt mainly with younger children, let us say under 10 years. Some of the developments mentioned above have led to the child welfare services having to deal with older children. In addition changes in child welfare practices a few years ago may have led to children coming into care at a later age than they would previously have done - such children are probably the casualties of preventive services. Other social and demographic changes may also be playing a part.

I remember years ago staff in approved schools commenting that if only they received children at an earlier age they could do more with them. I heard similar comments in the probation service in Britain. Such views are reminiscent of the famous requirement of the Order of Jesuits that they receive novitiates for training at an early age.

The question in my view amounts to a simple one of values. What do public authorities, that is provincial governments and child welfare agencies, propose to do when they take a child into care? One reason for failures in the child welfare services is that the consequences of a child being brought into care are not thought out prior to the decision being taken. The immediate situation, and this is often a chronic situation rather than a crisis, dominates the decision-making process. Social workers are notoriously reluctant to acknowledge the authority element in their work, and consequently when they have to act authoritatively, they may hesitate, but then make up their minds

precipitately. Hesitation or precipitate action can both be disastrous. The social worker's predicament is unenviable. Formal procedures for consultation and sanction by the court do not really make the social worker's responsibilities lighter.

Another reason for failures in the child welfare system lies of course in what happens after the child is brought into care. The thorough-going socialization process or resocialization process provided in a Jesuit college or in a British public school is not within the powers of the child welfare authorities to provide. Consequently the influences on the child after he comes into care are many and various. The outcome of the care process is in other words unpredictable because the child welfare authorities have only limited control over the variables involved, and by this I mean the care or treatment resources that are available and used by them, and incidental factors affecting children in care.

I would suggest on the grounds of probability alone that taking children into care is a chancy business. The one exception I would make is newly born babies to be placed for adoption. It can still be acknowledged that the child welfare authorities have to start their work with the odds loaded against them, with children who may already be badly damaged and emotionally disturbed.

The case I am arguing therefore is that there may usually be strong grounds for not taking children into care, but if children are taken into care very special efforts and resources are required. The implications for social policy are two fold (1) we need better income security, housing, and personal health and social service programs, and within these programs

we need better capability to assist some families and children at risk, (2) we need better child welfare services, which serve a smaller number of children and have an adequate array of more or less specialized resources. There may of course be organizational linkages between the more universal and the more specialized services. At this point I am deliberately not trying to paint an idealized picture. The reason why we have a large number of native children in care is because of failures at the national and provincial levels in the area of broad social policy. It is not because the child welfare services at the local level have failed. I think we have to create a situation in which the child welfare services can succeed with a smaller number of children who really need their services. In either case, with the children who stay with their families and the children who are brought into care, I think their rights will be better protected.

2. The public education systems

What I said earlier about the process of socialization clearly applies also to our education services. We have to be very careful in our schools that we are not further worsening the chances of some neglected and deprived children. Some British research has suggested that there are delinquency prone schools, and that it is the school that is the critical factor, not the neighbourhood or the family background of the children. This is clearly a controversial area, and requires much more study.[21] Nonetheless we do know

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21 See: Michael Power, "Delinquent Schools?," New Society (19 October, 1967); David Farrington, "Delinquency begins at home," New Society (14 September, 1972); David Reynolds, D. Jones and Selwyn St. Leger, "Schools do make a difference," New Society (29 July, 1976); M. Rutter, Helping Troubled Children, Penguin, 1976.

that the influence of peer groups on children and young people is very important, and we do know that in other types of more closed institutions such as training schools or prisons the influence of the inmate group is very important.[22]

I think we can safely say that the authorities in charge of public institutions like schools or prisons never have full control over the socializing influences implicit in the contact of students or inmates with each other. The paradoxical conclusion that can be drawn from this observation is that the more control exerted by the authorities, the less likely it is that the battle for hearts and minds will be won. I don't think myself that the extremes of permissiveness or of control are very helpful either.[23]

Ten years after I first came to Canada I am still depressed by the prison-like architecture of many modern schools in Ontario which seem in many cases not one whit better than the brick built structures of the Victorian era I was familiar with in Britain.

The recent OECD report on national education policies in Canada makes a number of searching criticisms of the Canadian education system.

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22 See for example the following papers in Jack Tizard, Jan Sinclair and R.V.G. Clarke, Varieties of Residential Experience, Routledge and Kegan Paul, London and Boston 1975, (a) Kevin Heal and Pat Cawson, Organization and Change in Children's institutions, (b) Spencer Millham, Roger Bullock and Paul Cherrett (1) A conceptual scheme for the comparative analysis of residential institutions, (2) Socialization in residential communities, Gresham M. Sykes, The Society of Captives: A Study of a Maximum Security Prison, Atheneum, New York, 1968 is also still useful reading on this subject.

23 A recently published British report (Welsh Office and the Department of Health and Social Security Working together for children and their families, H.M.S.O. London 1977 £3) suggests a way to detect potential delinquents before they get into serious trouble. What is involved is the education services, the social services and the voluntary agencies working together on a coordinated basis with common "catchment" areas to make exchange of information easy. There should be joint in-service training for newly qualified teachers and social workers. There should be checks to see that necessary information about problem children is interchanged between the relevant agencies. (Reported in The Observer 17 April 1977.)

> The Examiners do not believe that educational administration in Canada is in general sufficiently conscious about itself - its roles, duties, modes of operation, social significance, and so forth.[24]

The Examiners noted the lack of interest of most pupils in internal school affairs and political questions. They noted that pupils and students were rarely consulted about matters affecting them as the "final consumers" of educational services.[25]

If these observations are accurate, and there is good reason to suppose that they are, school authorities and students are poles apart in their attitudes, interests and behaviour, in many if not most parts of Canada. Moreover this polarization is not so much now a question of student conflict as of apathy.

My own view as a consumer through my young children is that the formalization of the educational process starts when children are very young. My seven year old daughter in a French immersion program has been doing homework for a year now. I started doing homework when I was nearly 12, and even so was terribly stale by the age of 18 or 19.

I would like to go back to lack of awareness of the social significance of the educational system, noted by the OECD Examiners: I feel that our schools and educational institutions are underutilized. As long ago as 1964 the Scottish Kilbrandon Report on Children and Young persons saw schools as the basis for providing a wide range of social services.[26] This recommendation was ignored in the subsequent reorganization of personal social services and

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24 Canada, Organisation for Economic Cooperation and Development, Reviews of National Policies for Education: Canada, (Paris, 1976) p.75.

25 Ibid., p.79.

26 HMSO, Children and Young Persons, Scotland, Edinburgh, Cmnd 2306.

juvenile courts, but community schools are obviously a similar idea.

The point, an obvious one, is that schools have a role to play in their communities. It should not be possible for teachers and school counsellors to screen out and suspend youngsters with learning problems, and so precipitate the delinquency they themselves have predicted. I do not mean this as an indictment of the teaching profession. I would argue that more flexibility is needed in the school system, and the capacity to respond appropriately to the needs of growing youngsters. A quotation from a recent article on school suspensions in America may sum up my own concerns.

> The hundreds of thousands of unjust and often illegal suspension cases testify that Americans retain the primitive impulse to get rid of people who deviate even slightly from order and authority.[27]

The Rights of Children

I think by this point that I have come full circle. I have chosen to look mainly at children of school age, because to me the question of rights becomes more meaningful, when to some extent rights can be exercized by the person having them. The rights of very young children should be unconditional. The rights of the older child cannot be quite so absolute because there is the beginning of an interplay between the child and his environment, in which he will learn that his own rights are relative and that rights of others have to be respected. I have deliberately not talked about legal rights, because I am uneasy about reliance on legal rights alone. There is in any case the question of the enforcement of legal rights. The interest in diversionary procedures to me seems to go in an opposite direction to the legal rights route. There are of course many pressures pushing us in opposite directions.

27 Thomas J. Cottle, "School suspension in America," New Society, Vol.37, 730 (9 September, 1976).

It is no secret that the federal government has found it impossible to secure agreement on revising the Juvenile Delinquents Act of 1908. Proposals for the increased use of diversion go hand in hand with expression of government determination to protect society from the effects of juvenile crime.

I think it is a fairly safe assertion that many of the so-called "failures" of our education and our child welfare systems are the candidates for whom the proposed Young Offenders Act is intended. The first objective listed for the new Act is

> to recognize and give formal effect to the changes and innovations in the treatment of young offenders that have come into being to make good the deficiencies of the 1908 Act.[28]

Perhaps we have learnt something since 1908 about the treatment of young offenders, but it seems to me that there is an enormous literature to suggest the contrary.[29]

I think the information I have reviewed today would suggest that "the shades of the prison house" of which Wordsworth spoke begin pretty early in children's lives. When we think about children's rights we are not thinking only of the more obvious failures in our social arrangements. We are thinking of the less obvious failures of our education system, of wasted potential and creativity. A.S. Neill of Summerhill fame once said he would think he had failed if one of his students ever became prime minister. Perhaps we too should be looking sceptically at the values of our society as

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28 Solicitor General Canada, Highlights of the proposed new legislation for young offenders, (Ottawa, 1977) p.1.

29 See for example P. Macnaughton-Smith, Permission to be Slightly Free: A Study of the Granting, Refusing and Withdrawing of Parole in Canadian Penitentiaries, Law Reform Commission of Canada (Ottawa 1976) and Leslie T. Wilkins, "Equity and Republican Justice." Annals of the American Academy of Political and Social Science, No.423 (Philadelphia, 1976) pp.152-161.

some of our young people are doing.[30]

Some Guiding Principles

Included in the front of Neill's book Summerhill is a verse from William Blake:

> Children of the future age,
> Reading this indignant page,
> Know that in a former time
> Love! sweet Love! was thought a crime.

Erich Fromm wrote a foreword to Summerhill and I would like to summarize what he saw as the principles underlying Neill's system.[31]

1. firm faith in the goodness of the child.
2. the aim of education - in fact the aims of life - is to work joyfully and to find happiness.
3. in education, intellectual development is not enough, education must be both intellectual and emotional.
4. education must be geared to the psychic needs and capacities of the child; the child is not an altruist;altruism develops after childhood.
5. discipline, dogmatically imposed, and punishment create fear; and fear creates hostility.
6. freedom does not mean license.
7. closely related to the last principle is the need for true sincerity.

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30 A. S. Neill, Summerhill: A Radical Approach to Child Rearing, Hart Publishing Company (New York, 1960).

31 Ibid., pp xii, xiii.

8. healthy human development makes it necessary that a child eventually cut the primary ties which connect him with his father and mother, or with later substitutes in society, and that he become truly independent.
9. guilt feelings primarily have the function of binding the child to authority; guilt feelings are an impediment to independence.
10. on the question of religious education, Neill says,

> The battle is not between believers in theology and nonbelievers in theology; it is between believers in human freedom and believers in the suppression of human freedom.

Who tugs the kite string, the parent or the child?

A few weeks ago I was attempting to help my six year old son fly his kite. It was a sunny day with not much wind. The terrain was open but the ground was covered with dead weeds and the kind of burrs that stick to everything, including kite strings. The wind kept stopping and starting, but every now and then I would have some success in getting the kite twenty or thirty feet in the air - the problem then was that John wouldn't or couldn't let the string out quickly enough, and I couldn't let go the string without the kite falling to the ground. John felt I should let go the string and I felt he should let the string off the spool more quickly, then when the kite was high enough I could hand over entire control to John. In the end we had had enough, the wind remained fickle and our string was tangled up in the burrs. By way of coda I should say John had had as much success a little earlier with my wife simply throwing the kite in the air and letting go.

I tell this tale against myself because of course I was not wholly in the wrong. John could have played his part a little more adequately. Moreover

at the age of six he did really need a little help in getting the kite to fly.

I think we should not be too sentimental when we talk about children's rights. It is not just a matter of letting children go as one author recently suggested in the title of his book.[32]

As suggested in the principles listed above Neill suggests that the letting go eventually happens in the course of healthy development, and that it is the child as much as the parent who does the letting go.

We know in any case from studies of animal and human behaviour that clinging and letting go are not two distinct stages of growth and development. They overlap and are concurrent for many years. Where problems arise in child-rearing - and this is true also in the animal world, is when young parents cannot tolerate the excessive clinging and dependence of the young child; the more it is rejected the more the child clings, and so the vicious circle occurs which leads to child abuse. If the child survives, we know that the attempts at physical clinging eventually subside after repeated rejection, but the emotional impulse remains to get close to the parent, and in my view this is an impulse we all retain at times of crisis.

I remember with youngsters absconding from approved schools that the place we and the police always went to first was the child's home, and usually the child was there regardless of whether there had been a long history of rejection. The sickening thing was that absconders were usually punished for absconding, and in some cases horribly punished, solely because they demonstrated they still loved their parents.

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32 Daniel Jay Baum, Let our Children Go! Burns and MacEachern Limited (Don Mills, Ontario, 1975).

This example of the state punishing the abused child is unfortunately not an isolated one. There is in my view a frightening parallel between punitive behaviour in abusing families and punitive behaviour by the state towards problem families or families with difficult children.[33]

A further thought on the question of letting go is the possibility that parents let go or disengage too early; this is not rejection in the classical sense, but a failure to exercise responsibilities; I am thinking of things like road safety, where children, often very young children, are allowed to play in the street without supervision or instruction about road safety. Lack of supervision by a parent of a very young child in this case is clearly inappropriate behaviour by the parent. A neighbour's child came near to being hit by a car in my street recently; the neighbour projected her anger exclusively at the speeding motorist not at the child for running across the street, and not apparently at herself.

This type of failure by parents to recognize and exercise responsibilities towards their children is fairly common. Of course we all want our children to be self-reliant, but is this for the child's sake or because we want to read the newspaper. Parents do therefore have some responsibilities which they fail to exercise or exercise inconsistently. Using the television as a pacifier or babysitter is clearly one of these failures.

In this last example do we try to do something about the television programming or about the parents? At this point we come back to considering the state's responsibilities.

The problem about the state's interventions in areas of human behaviour is that they are often as inappropriate or intemperate as the reaction of the

33 The OECD Report cites the similar comments of two principals, each with very different work backgrounds, about the work of the vocational technical schools they were heading. "In almost the same words they announced that the major function of the school was to undo former developmental injury - even, perhaps "school injury" - in a school which constituted a new setting, and that the vocational aspects of the school were considered subordinate to this larger therapeutic end" (OECD Report, p.111).

anxious parent to the clinging child; they are either directly abusive or punitive, or indirectly so disruptive of personal life and relationships as to be worse than useless.[34] I am thinking in the main here firstly of our justice and correctional systems, and secondly of our child welfare services. I believe also that our educational services are often rejecting of those children who most need help.

Moderate or Extreme Remedies

In seeking remedies we have a choice between moderation and extremism. We could seek to destroy our institutional framework; in its widest sense this would mean revolution with unpredictable consequences; in a more limited sense this might mean abolishing particular social institutions. This latter course has been advocated for penal systems, and is quite different from more usual forms of social reform. A Norwegian sociologist Mathiesen has recently argued that nothing short of a change in goals is required for a reform of penal systems.

> Very briefly, one can state that the two major dangers Mathiesen sees as facing reform movements are (a) that they will be "absorbed" by the very establishment they are attempting to reform, or (b) that they will be rejected by the public and the media as being irrelevant and irresponsible. Demands for radical change meet with an almost reflexive conserving counter-demand by authorities that alternative solutions be found before current practices can be abandoned. If the reform group attempts to avoid being branded as irrelevant and irresponsible, and addresses itself to a discussion of "reasonable" alternatives, the irony is that the battle for reform will have been lost. Any alternatives which are viewed as being "reasonable" by the authorities will in fact be equivalents of current

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34 I had written these words when I read Albert Rose's recent speech on housing and family policy at the Conference on Family Policy organized by the Canadian Council on Social Development and held April 24-26, 1977 in Ottawa.

"... antagonism has developed toward the nuclear family, particularly in its role as applicant for public housing. Not only have many municipalities who must initiate the requests for intergovernmental housing activity throughout the country, been overly cautious; but often entirely discriminatory in their choice of housing programs so as to exclude poor families, whether headed by one or two parents. The reasons for such discrimination are entirely clear from a management standpoint, but from a policy point of view are entirely unacceptable." pp.7,8.

practices. The result is that a change in means may in fact be effected, but that ultimate goals will not have been changed in any way. And radical reform is concerned about a change in goals above all else.[35]

A typology developed by Hall, Land, Parker and Webb[36] in their book 'Change, Choice and Conflict in Social Policy' may help us in our understanding of how changes in social policies come about. They suggest three change categories. (1) innovation, (2) development, (3) reform. They identify the introduction and development of The British system of detention centres as an example of category (2), development, and in that sense the centres were originally an equivalent of current practices.

It is necessary to distinguish between social policy changes as categorized by Hall, Parker and their colleagues, and radical reforms as identified by Mathieson. The terms, innovation, development and reform may be neutral in value terms; they do not say anything about the objectives or reasons for social policy changes. In fact I think we can say that social policy changes are made with mixed motivations and objectives in mind, even though governments and politicians usually provide simplistic reasons for doing certain things.

My own reasons for choosing moderation as opposed to extremism as a means for effecting desired social policy changes are based partly on (1) the unpredictability of revolutionary action, (2) the uncertainty about what is really desired or required in for example the way we treat our children, and (3) feasibility.

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35 See: Dorothy M. Coutts, "Battles for Penal Reform, and a Look "Inside"," Canadian Welfare, March-April 1975, Vol.51, No.2; a review of The Politics of Abolition, Essays in Political Action Theory and Annual Report of the Correctional Investigator 1973-1974.

36 Phoebe Hall, Hilary Land, Roy Parker and Adrian Webb, Change, Choice and Conflict in Social Policy, Heinemann, London, 1975.

I think that it is possible to (1) identify immediate and medium range objectives, (2) seek and find the means to attain these objectives, (3) review the objectives once attained and evaluate the consequences of the attainments made, (4) define new objectives.

I am in some sympathy therefore with Lindblom's[37] notions of the science of muddling through, with what to me seem to be the essential attributes of the planned programmed budgeting system process, and with Karl Popper's arguments for piecemeal social reform.[38]

This type of approach to social change is often dismissed as disjointed incrementalism. I would argue that around specific issues it is possible to be fairly systematic about defining and attaining objectives. I know that in the fields that we are interested in even such modest attempts at social planning and development may be viewed with suspicion by "dyed in the wool" conservatives; on the other hand self-confessed radical reformers or revolutionaries would dismiss such measures as mere tinkering with the existing system. I think nevertheless that we should try to seek out what works in social work or education, and eliminate what doesn't work. We should try to avoid clinging to inappropriate ways of doing our jobs.

Some Conclusions

I have tried to identify some substantive issues which I think warrant examination and change.

(1) The pervasive importance of universal programs such as income security, housing, health and education for human welfare should not be ignored or underestimated.

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37 Lindblom, C., "The Science of Muddling Through," Public Administration Review, Spring, 1959 and The Intelligence of Democracy, Free Press, New York, 1965; Braybrooke, D. and Lindblom, C., A Strategy for Decision, Free Press, New York, 1963; Dahl, R.A., and Lindblom, C., Politics Economics and Welfare, Harper, N.Y.1953.

38 K.R. Popper, The Open Society and Its Enemies, Routledge and Kegan Paul, Volumes I and II, London, 1962.

(2) I think something can and should be done to make the educational system more socially responsible and more helpful to children.

(3) The child welfare services should be streamlined and designed to help a small number of deprived and disturbed children.

(4) Extreme measures in the face of vandalism and delinquency are unwise and likely to be counter productive.

(5) More determined efforts should be made to deliver educational and child welfare services and other community services, including health, on properly coordinated and interrelated lines, so that community caring systems become a reality, and not a pious hope.

(6) The responsibility for members of different professions to communicate and cooperate with each other should override restrictive features of professional codes of ethics.

(7) There is a need for the recognition by the caring professions that continuity of caring transcends any other personal or organizational concern or consideration.

(8) There is an obligation on the caring professions to demonstrate their concerns to politicians, to government departments and to governments in a manner that is firm, persuasive and unrelenting.

In conclusion I would like to quote a section from a speech given recently by Dr. Fred MacKinnon, Deputy Minister for Social Services in Nova Scotia, and current President of the Vanier Institute of the Family.

> If children, parents and grandparents are to grow up well, the basic requirement is a society that cares. Urie Bronfenbrenner has said that "what every child requires is an enduring, irrational involvement and intimate activities with caring adults." By irrational involvement, he means that "somebody has to be crazy about that kid." This need is not confined to children. The adults who care for children also need to be surrounded by persons who care deeply about them.[39]

39 Fred R. MacKinnon, "To Travel Hopefully": An address given to the Conference on Family Policy Convened by the Canadian Council on Social Development, on Tuesday April 26, 1977, Ottawa.

Robert Browning, The Pied Piper of Hamelin: A Child's Story

Stanza XIII

And after him the children pressed;
Great was the joy in every breast.
'He never can cross that mighty top
He's forced to let the piping drop,
And we shall see our children stop!'
When, lo, as they reached the mountain's side,
A wondrous portal opened wide,
As if a cavern was suddenly hollowed;
And the Piper advanced and the children followed,
And when all were in to the very last,
The door in the mountain-side shut fast.
Did I say, all? No! One was lame,
And could not dance the whole of the way;
And in after years, if you would blame
His sadness he was used to say, -
'It's dull in our town since my playmates left!
I can't forget that I'm bereft
Of all the pleasant sights they see,
Which the Piper also promised me.
For he led us, he said, to a joyous land,
.....'

Stanza XV

Go, Willy, let me and you be wipers
Of scores out with all men - especially pipers:
And, whether they pipe us free, from rats or from mice,
If we've promised them aught, let us keep our promise.